

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AMERICAN FAMILY INSURANCE
COMPANY,

Plaintiff,

V.

NUTONE, INC.,

Defendant/Third-Party
Plaintiff,

V.

JAKEL, INC.,

Third-Party Defendant.

Case No. 8:07CV305

**ORDER TO DISMISS
AMERICAN FAMILY INSURANCE
COMPANY'S COMPLAINT
AGAINST NUTONE, INC.,
WITH PREJUDICE**

This matter comes before the Court under Rule 41(a) of the Federal Rules of Civil Procedure on the Joint Stipulation to Dismiss the Plaintiff American Family Insurance Company's ("American Family") Complaint against the Defendant/Third-Party Plaintiff Nutone, Inc. ("NuTone"), with prejudice, and upon due consideration thereof, the Court finds that the Stipulation should be approved.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. American Family's Complaint against Nutone is hereby dismissed with prejudice, each party to bear their own costs and attorney fees. The Clerk shall terminate further CM/ECF notices to American Family's counsel.
2. NuTone's Third-Party Complaint against Jakel, Inc., shall proceed in this Court in accordance with current progression deadlines.

DATED this 11th day of July, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge